

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANTHONY L. MCKINNEY,

Plaintiff,

Case No. 2:20-cv-1450

vs.

DENISE PADDOCK, *et al.*,

Defendants.

District Judge George C. Smith
Magistrate Judge Michael J. Newman

**ORDER AND ENTRY: (1) GRANTING PLAINTIFF'S MOTION FOR LEAVE TO
PROCEED WITHOUT PREPAYMENT OF FEES (DOC. 1); AND (2) HOLDING
SERVICE PENDING INITIAL REVIEW UNDER 28 U.S.C. § 1915**

This civil case is before the Court on the motion filed by *pro se* Plaintiff Anthony L. McKinney ("Plaintiff"), a prisoner, for leave to proceed without the prepayment of fees, *i.e.*, to proceed *in forma pauperis* ("IFP"). Doc. 1.

In accordance with section 804(a)(3) of the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321, amending 28 U.S.C. § 1915, Plaintiff must pay an initial partial filing fee of 20 percent of the greater of the average monthly deposits to his prison account or the average monthly balance of his account for the six-month period immediately preceding the filing of the complaint. After payment of the initial partial filing fee, Plaintiff is further required to make monthly payments of 20 percent of the preceding month's income credited to his prison account until he pays the full amount of the filing fee. Prisoner Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321, 804(a)(3).

Plaintiff's application reveals that he has insufficient funds in his prison account to pay the full filing fee; he currently possesses the sum of \$4.08 as of February 29, 2020 in his prison

account; his average monthly balance for the six-month period prior to the filing of the complaint is \$10.04 and, his average monthly deposits for the six-month period prior to the filing of the complaint amounted to \$42.00.

After consideration by the Court of Plaintiff's affidavit of indigence only, without regard to the merits of this case, Plaintiff's motion to proceed IFP (doc. 1) is hereby **GRANTED** pursuant to 28 U.S.C. § 1915(b) as follows: **Plaintiff is assessed an initial partial filing fee of \$8.40** (20 percent of his average monthly deposits for the six-month period prior to filing his complaint). The incarcerating institution is **ORDERED** to forward from Plaintiff's prison account to the Clerk of Court located in Columbus, Ohio the initial partial filing fee assessed against Plaintiff forthwith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 606 (6th Cir. 1997). Thereafter, the incarcerating institution is **ORDERED** to forward to the Clerk of Court located in Columbus, Ohio monthly payments of 20 percent of plaintiff's preceding month's income credited to his prison account each time the amount of Plaintiff's account exceeds \$10.00 until the full amount of the filing fee, *i.e.*, \$350.00, is paid. *See id.* **The prisoner's name and case number must be noted on each remittance.**

Checks are to be made payable to: **Clerk, U.S. District Court**

Checks are to be sent to:

**Prisoner Accounts Receivable
260 U.S. Courthouse
85 Marconi Boulevard
Columbus, Ohio 43215**

The Clerk is **ORDERED** to mail a copy of this Order to Plaintiff and the incarcerating institution's cashier's office. The Clerk of Court is further **ORDERED** to forward a copy of this Order to the Court's financial office in Columbus.

In addition, the Clerk is **ORDERED** to separately file Plaintiff's complaint and the attachments thereto. The Court further **ORDERS** that service of process be stayed pending an initial review by the Court pursuant to 28 U.S.C. § 1915.

IT IS SO ORDERED.

Date: March 24, 2020

/s/Michael J. Newman
Michael J. Newman
United States Magistrate Judge